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8 **BRIAN EVERETT**

9  
10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION  
13

14 \* \* \* \* \*

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 vs.

18 WINSLOW NORTON, et. al.,

19 Defendants.

) CASE NO.: CR 07-0683-DLJ

) **STIPULATION AND ORDER**

) **CONTINUING SENTENCING DATE**

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21 IT IS HEREBY STIPULATED between the United States of America, through its  
22 attorneys of record, Thomas O'Connell, and David Callaway, Assistant U.S. Attorneys; and, the  
23 defendants, through their attorneys, J. Tony Serra and Ean Vizzi for Defendant Brian Everett,  
24 Doron Weinberg for Defendant Winslow Norton, Stuart Hanlon for Defendant Abraham Norton,  
25 and William Osterhoudt for Defendant Michael Norton, that the SENTENCING HEARING  
26 currently scheduled for all defendants be continued to October 10, 2013 at 10:00 a.m.

27 The parties have all met with the Probation Department for their Presentence reports and  
28 some of the drafts have been produced thus far. Probation reports it needs an additional amount  
29 of time to complete the remaining reports. Additionally, the schedules of various defense

1 counsels will make it impossible for timely responses to the draft PSRs to be completed. For  
2 these reasons, all parties, including the Probation Department join in this motion to continue the  
3 Defendants' Sentencing Hearing herein.

4 The parties have previously agreed to a Speedy Trial Act exclusion through August 8,  
5 2013. The parties request and agree that exclusion of additional time under the Speedy Trial Act  
6 is appropriate in order to allow adequate preparation of counsel and to ensure continuity of  
7 defense counsel. The parties therefore stipulate and agree that the time from the date of this  
8 stipulation, through and including October 10, 2013, shall be excluded from computation of time  
9 within which the trial of this case must be commenced under the Speedy Trial Act, pursuant to  
10 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

11 It is so stipulated.

12 Dated: July 10, 2013

MELINDA HAAG

UNITED STATES ATTORNEY

13  
14 /s/ Thomas O'Connell

By: THOMAS O'CONNELL

Assistant U.S. Attorney

\*signed with permission

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16  
17 Dated: July 10 , 2013

/s/ Doron Weinberg

DORON WEINBERG

Attorney for Defendant

WINSLOW NORTON

\*signed with permission

18  
19  
20 Dated: July 10, 2013

/s/ Stuart Hanlon

STUART HANLON

Attorney for Defendant

ABRAHAM NORTON

\*signed with permission

1 Dated: July 10, 2013

/s/ William Osterhoudt

2 WILLIAM OSTERHOUDT

Attorney for Defendant

3 MICHAEL NORTON

\*signed with permission

4 Dated: July 10, 2013

/s/ Ean Vizzi

5 EAN VIZZI

J. TONY SERRA

6 Attorneys for Defendant

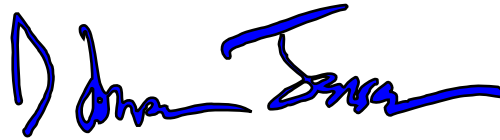
BRIAN EVERETT

7  
8 ORDER ]

9 Based on the stipulation of the parties, and good cause appearing therefore, IT IS  
10 HEREBY ORDERED that the Sentencing Hearing date previously scheduled for August 8, 2013,  
11 is continued to October 10, 2013 at 10:00 a.m.

12 IT IS HEREBY FURTHER ORDERED that time under the Speedy Trial Clock is  
13 excluded from the date of this Order through and including the hearing date of October 10, 2013,  
14 pursuant to 18 U.S.C. §3161(h)(7)(A) and (B)(iv). The basis for the time exclusion is set forth in  
15 the stipulation of the parties, which the Court hereby adopts. The Court finds that the failure to  
16 grant a continuance in this case would deny defense counsel reasonable time necessary for  
17 effective preparation, taking into account the exercise of due diligence, as well as denying the  
18 defendants continuity of counsel. The Court finds that the ends of justice served by the granting  
of such continuance outweigh the interests of the public and the parties in an earlier trial.

19 Dated:    JUL 10 2013   

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22 THE HONORABLE. D. LOWELL JENSEN  
23 UNITED STATES DISTRICT JUDGE  
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